



THE HONORABLE J. KELLY ARNOLD



02-CR-05775-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 02-5775

vs.

WILLIE E. HOLMES,

Defendant/Petitioner.

FINDINGS AND ORDER  
ACCEPTING DEFENDANT FOR  
DEFERRED PROSECUTION,  
APPROVING TREATMENT  
PLAN, AND DIRECTING  
DEFENDANT TO TAKE  
TREATMENT AS PRESCRIBED

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 7th day of August, 2006, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her/his attorney, Clifford G. Morey, and the United States of America being represented by Barbara J. Sievers, Special Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Lakeside Milam

FINDINGS AND ORDER ACCEPTING DEFENDANT  
FOR DEFERRED PROSECUTION, APPROVING  
TREATMENT PLAN, AND DIRECTING DEFENDANT  
TO TAKE TREATMENT AS PRESCRIBED

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DAVIES PEARSON, P.C.  
ATTORNEYS AT LAW  
920 FAWCETT -- P.O. BOX 1657  
TACOMA, WASHINGTON 98401  
TELEPHONE (253) 620-1500  
TOLL-FREE (800) 439-1112  
FAX (253) 572-3052

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CC:USPO

1 and Kaweah Delta Family Recover Center, and the files and records herein, being fully  
2 advised in the premises, does now make and enter the following:

3 **I. FINDINGS OF FACT**

4 A. On or about the 18th day of May, 2002, Petitioner was charged with the  
5 offense/offenses charged in the Information. This offense occurred as a direct result of  
6 alcoholism/chemical dependency problems;

7 B. Petitioner suffers from an alcohol/drug problem and is in need of  
8 treatment;

9 C. The probability of similar misconduct in the future is great if the problem  
10 is not treated;

11 D. Petitioner is amenable to treatment;

12 E. An effective rehabilitative treatment plan is available to Petitioner through  
13 Kaweah Delta Family Recovery Center, an approved treatment facility as designated by  
14 the laws of the State of California where the Petitioner resides, and Petitioner agrees to be  
15 liable for all costs of this treatment program;

16 F. That Petitioner agrees to comply with the terms and conditions of the  
17 program offered by the treatment facility as set forth in the diagnostic evaluation from  
18 Kaweah Delta Family Recovery Center, attached to Statement of Petitioner filed  
19 herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

20 G. That Petitioner has knowingly and voluntarily stipulated to the  
21 admissibility and sufficiency of the facts as contained in the written police report attached  
22 to Statement of Petitioner filed herewith.

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1 H. That Petitioner has acknowledged the admissibility of the stipulated facts  
2 in any criminal hearing or trial on the underlying offense or offenses held subsequent to  
3 revocation of this Order Granting Deferred Prosecution and that these reports will be  
4 used to support a finding of guilt;

5 From the foregoing FINDINGS OF FACT, the Court draws the following:

6 **II. CONCLUSIONS OF LAW**

7 A. That the above-entitled Court has jurisdiction over the subject matter and  
8 Petitioner, Willie E. Holmes, in this case;

9 B. That Petitioner's Petition for Deferred Prosecution meets the requirements  
10 of RCW 10.05 et seq.;

11 C. That the diagnostic evaluation and commitment to treatment meets the  
12 requirements of RCW 10.05.150;

13 D. That Petitioner is eligible for deferred prosecution.

14 **III. ORDER**

15 Having made and entered the foregoing FINDINGS OF FACT and  
16 CONCLUSIONS OF LAW, it is hereby

17 ORDERED that the defendant is accepted for deferred prosecution. The  
18 prosecution of the above-entitled matter is hereby deferred for a five (5) years pursuant to  
19 RCW 10.05 et seq., upon the following terms and conditions:

20 A. Petitioner shall be on probation for the deferral period and follow the rules  
21 and regulations of probation;

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1 I. In the event that Petitioner fails or neglects to carry out and fulfill any  
2 term or condition of her/his treatment plan or violates any provision of this Order or any  
3 rule or regulation of his probation officer, upon receiving notice, the Court shall hold a  
4 hearing to determine why Petitioner should not be removed from deferred prosecution  
5 and prosecuted for the offense/offenses charged;

6 J. In the event the Court finds cause to revoke this deferred prosecution, the  
7 stipulated police reports shall be admitted into evidence, and Petitioner shall have his  
8 guilt or innocence determined by the Court;

9 K. That the statement of Petitioner for Deferred Prosecution shall remain  
10 sealed, and all subsequent reports or documents relating to her treatment information  
11 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

12 L. That the Department of Licensing be notified of this Order accepting the  
13 Petitioner for deferred prosecution;

14 M. Upon proof of Petitioner's successful completion of five years deferral  
15 period in this Order, the Court shall dismiss the charges pending against Petitioner.

16 N. Additional conditions: 14 conditions as attached to Pre-Sentence  
17 DONE IN OPEN COURT this 7 day of August, 2006. *Report.*

18  
19   
20 UNITED STATES MAGISTRATE JUDGE  
21  
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1 Presented by:

2 Clifford G. Morey  
3  
4 Clifford G. Morey, WSBA # 13741  
Attorney for Petitioner

5 I have received a copy of the foregoing Order of Deferred Prosecution. I have  
6 read and understand its contents, and agree to abide by the terms and conditions set forth  
7 herein.

8 Dated: 08/03/06

9 Willie E. Holmes  
10 Willie E. Holmes  
Petitioner

11 I certify that a copy of this signed Order was mailed to the subject treatment  
12 facility, on \_\_\_\_\_ The United States Probation Office was also  
13 furnished a copy of this Order.

14  
15 Clerk

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